

#3

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled NOVEL COCHLEAR GENE COCH5B2 AND USES THEREOF, the specification of which

- ☐ is attached hereto.
- ☒ was filed on September 10, 1999 as Application Serial No. 09/394,264 and was amended on \_\_\_\_\_
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. SERIAL NO.	FILING DATE	STATUS
<u>60/102,343</u>	<u>September 28, 1998</u>	<u>PENDING</u>

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Louis Myers, Reg. No. 35,965 and Timothy A. French, Reg. No. 30,175.

Address all telephone calls to Louis Myers at telephone number 617/542-5070.

Address all correspondence to Louis Myers, Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Cynthia C. Morton

Inventor's Signature: Cynthia C. Morton Date: 1-20-00

Residence Address: Newton Centre, Massachusetts

Citizen of: United States of America

Post Office Address: 15 Nobscot Road, Newton Centre, MA 02158

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

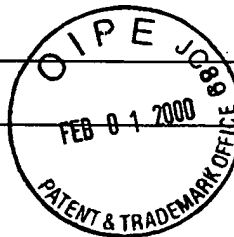
Full Name of Inventor: Nahid Robertson

Inventor's Signature: N. D. Robertson Date: 1/20/00

Residence Address: Wellesley, Massachusetts

Citizen of: United States of America

Post Office Address: 64 Emerson Road, Wellesley, MA 02481



Applicant or Patentee: Cynthia C. Morton et al.

Serial or Patent No.: 09/394,264

Filed or Issued: September 10, 1999

For: A NOVEL COCHLEAR GENE COCH5B2 AND USES THEREFOR

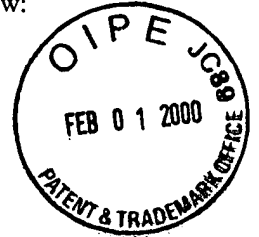
**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) — NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Brigham & Women's Hospital  
Address of Organization: 75 Francis Street, Boston, MA 02115

Type of Organization:

- ☐ University or Other Institution of Higher Education  
☐ Tax Exempt Under Internal Revenue Service Code (26 SC 501(a) and 501(c)(3))  
☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America  
(Name of State: \_\_\_\_\_) (Citation of Statute: \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America  
☐ Would qualify as nonprofit scientific or educational under Statute of State of the United States of America if located in the United States of America  
(Name of State: \_\_\_\_\_) (Citation of Statute: \_\_\_\_\_)



I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled A NOVEL COCHLEAR GENE COCH5B2 AND USES THEREOF by inventor(s) Cynthia C. Morton and Nahid Robertson described in:

- ☐ the specification filed herewith.  
☒ application serial no. 09/394,264, filed September 10, 1999.  
☐ patent no.   , issued   .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: Kins Betros

Address: Brigham + Women's Hospital 75 Francis St Boston MA 02115

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name:	
Title:	
Address:	

Signature: Ku Bt

Date: 1/70/00